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August 18, 2004

VIA OVERNIGHT DELIVERY

Vernon Williams, Secretary  
CSX Transportation  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423



RE: **Knox County Request for Interim Trail Use**  
**Docket No. AB-55 (Sub-No. 638X)**  
**Mount Vernon to Fredericktown, Knox County, Ohio**

Dear Mr. Williams:

As you know, our office represents the Knox County Commissioners.

On October 29, 2003, a "Decision and Notice of Interim Trial Use for Abandonment" was issued in conjunction with the above-referenced case. According to the terms of the STB's Order, a deadline of April 30, 2004 was established for negotiating a sale of the rail corridor in question.

At the present time, the Knox County Commissioners and CSX are engaged in negotiations pertaining to the potential purchase of the corridor. By means of a previously-issued Order, an extension to September 1, 2004 was provided. While progress is being made, additional time is needed.

Accordingly, this letter is being sent to you on behalf of both CSX and the Knox County Commissioners, and a mutual request for an extension until November 1, 2004 is being requested. I am enclosing a Joint Motion under cover of this letter memorializing the request of the parties.

If you would not mind doing so, please be kind enough to forward to me a time-stamped copy of our Motion for my records. Thank you.

Very truly yours,

Christopher C. Russell

Enclosure

cc: Jonathan Gold, Esq., CSX  
Mark Friedlin, Regional Manager, CSX Real Property  
Commissioner Robert Wise, Knox County Commissioners

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SERVICE DATE - JULY 9, 2004

## SURFACE TRANSPORTATION BOARD

## DECISION

STB Docket No. AB-55 (Sub-No. 638X)



CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN KNOX COUNTY, OH

Decided: July 8, 2004

By decision and notice of interim trail use or abandonment (NITU) served on October 31, 2003, the Board granted the petition for exemption filed by CSX Transportation, Inc. (CSXT), for abandonment of an approximately 6.37-mile line of railroad, in CSXT's Midwest Region, Louisville Division, Lake Erie Subdivision, extending from milepost BQ-25.90, at Mt. Vernon, to milepost BQ-32.27, at Fredericktown, in Knox County, OH. The exemption was subject to public use, environmental, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the Knox County, OH Commissioners (Knox County) to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding. The negotiating period was extended through July 1, 2004, by a decision served on April 26, 2004.

On July 1, 2004, Knox County and CSXT jointly filed a request for an extension of the negotiating period until September 1, 2004. Knox County and CSXT state that the parties are actively engaged in negotiations, and that an extension of time is necessary to finalize those negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>1</sup> An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended to September 1, 2004.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request of Knox County and CSXT to extend the NITU negotiating period is granted.

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<sup>1</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-158 (1987).

UNITED STATES  
SURFACE TRANSPORTATION BOARD



CSX TRANSPORTATION, INC.

- ABANDONMENT EXEMPTION :  
IN KNOX COUNTY, OH :

STB DOCKET NO. AB-55  
(SUB NO. 638X)

**JOINT MOTION OF CSX AND KNOX COUNTY COMMISSIONERS  
FOR EXTENSION OF TIME TO NEGOTIATE SALE OF CORRIDOR**

The Knox County Commissioners and CSX Transportation hereby move the Service Transportation Board for an extension of time until November 1, 2004 in which to negotiate the sale of the rail corridor that is the subject of the instant proceeding. The bases of this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Christopher C. Russell'.

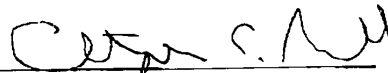
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Attorney for Knox County Commissioners

**MEMORANDUM IN SUPPORT**

On October 29, 2003, a Decision was issued granting CSX Transportation until April 30, 2004 in which to negotiate a sale of the rail corridor that is the subject of this proceeding. This date was subsequently extended to July 1, 2004. At the present time CSX and the Knox County Commissioners are actively engaged in negotiations. Unfortunately, the parties do not believe that their negotiations will be completed by the currently established deadline. Accordingly, this mutual request on behalf of CSX and the Knox County Commissioners is being made to extend the deadline to November 1, 2004.

Respectfully submitted,



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